

**AMENDMENTS TO THE DRAWINGS:**

Please delete the originally filed sole Figure of the Drawings in its entirety and enter the replacement sole Figure of the Drawings as shown on the enclosed Replacement Sheet 1/1 into the record.

**REMARKS**

A new sole Figure of the drawings has been submitted in substitution for the originally filed sole Figure of the drawings. The specification has been amended. Claims 10 and 13 - 23 are currently pending in the present application.

In the Office Action, the drawings are objected to. Additionally, in the Office Action, claims 10 and 13 - 23 are rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. 358279 A1 to Fried et al. Also, in the Office Action, claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application No. 358279 A1 to Fried et al in view of US Patent No. 5,343,632 to Dinh.

**The Objection to the Drawings**

With respect to the drawings, a new sole Figure of the drawings has been submitted herewith and this new Figure of the drawings now shows the respective valves that are recited in claims 22 and 23 of the present application. Also, the specification has been amended to include the reference character 13 associated with the check valve and the reference character 14 associated with the inlet valve. Accordingly, it is respectfully submitted that the objection to the drawings is now overcome.

**The Claimed Invention**

An exemplary embodiment of the present invention, as recited by, for example, independent claim 10 of the present application, is directed to a dishwasher having a washing container, at least one device for washing crockery using a rinsing solution, and a sorption column communicated with the washing container for the passage of air between the sorption column and the washing container. As recited in claim 10 of the present application, the sorption container contains reversibly dehydratable material that operates to withdraw moisture from air during the passage of the air through the sorption column, crockery retained in the dishwasher

being subjected to a drying step after having undergone a treatment step as a result of which moisture remains on the crockery with the drying step including passing air from the washing container through the sorption column. Also, the sorption column is subjected to thermal energy to effect desorption of the sorption column with the thermal energy being at least partly used for at least one of heating the rinsing solution in the washing container and heating the crockery.

The inventive dishwasher advantageously offers an efficient and economical operation to clean and dry items while minimizing the associated energy expenditures.

**The Rejection of Claims 10 and 13 - 23 Under 35 U.S.C. §102(b) as Being Anticipated by European Patent Application No. 358279 A1 to Fried et al**

With respect to the rejection of claims 10 and 13 - 23 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. 358279 A1 to Fried et al, favorable reconsideration is respectfully requested in view of the following comments.

The Office Action asserts that European Patent Application No. 358279 A1 to Fried et al discloses a dishwasher with all of the elements of the dishwasher recited in claims 10 and 13 - 23 of the present application. Among the teachings of European Patent Application No. 358279 A1 to Fried et al, according to Page 5 of the Office Action, is a teaching that the European Patent Application No. 358279 A1 to Fried et al dishwasher is capable of performing the "intended use" of passing air, during a partial program step using rinsing liquid to be heated, from the washing container and/or from the ambient air through the sorption column and into the washing container. Also, among the teachings of European Patent Application No. 358279 A1 to Fried et al, according to Page 5 of the Office Action, is a teaching that the European Patent Application No. 358279 A1 to Fried et al dishwasher is capable of performing the "intended use" of passing air, during a partial program step "drying," from the washing container and/or from the ambient air through the sorption column and into the washing container.

Claim 19 of the present application recites the feature of the inventive dishwasher that, during a partial program step using rinsing liquid to be heated, air from the washing container and/or from the ambient air is passed through the sorption column and into the washing

container. Claim 20 of the present application recites the feature of the inventive dishwasher that, during a partial program step "drying," air from the washing container and/or from the ambient air is passed through the sorption column and into the washing container. The Office Action asserts that the claim language in claims 19 and 20 of the present application does not provide further structural limitations to the claims, is considered as "intended use," and will not be given patentable weight. However, Applicants contend that the referenced claim language of claims 19 and 20 does, in fact, provide further structural limitations to the claims and is entitled to patentable weight. Claim 10 of the present application, from which claims 19 and 20 each depend, recites a sorption column communicated with the washing container for the passage of air between the sorption column and the washing container. Claims 19 and 20 each recite the source of the air that is passed through the sorption column and into the washing container (i.e., the source of the air is "air from the washing container and/or from the ambient air") and each recite the path of the air. Thus, it is clear that each of claims 19 and 20 provide further limitations relating to the structure of the dishwasher recited in claim 20. Moreover, it is submitted that European Patent Application No. 358279 A1 to Fried et al apparently does not disclose, nor appear to teach or suggest, the desirability of passing air from the ambient air through the sorption column and into the washing container. In fact, European Patent Application No. 358279 A1 to Fried et al appears to disclose the desirability of a system that is opposite to a system that draws in ambient air. Specifically, European Patent Application No. 358279 A1 to Fried et al appears to disclose strictly using a "closed" system in which no ambient air is introduced into the system. See, for example, the machine translation of European Patent Application No. 358279 A1 to Fried et al, page 1, ll. 2 - 5: "The invention refers to a mechanism for drying dishes in a household dishwasher...using to a large extent closed drying system..." In view of this apparent disclosure in European Patent Application No. 358279 A1 to Fried et al, and other apparent teachings of European Patent Application No. 358279 A1 to Fried et al, it is incorrect for the Office Action to assert that the dishwasher disclosed in European Patent Application No. 358279 A1 to Fried et al is capable of performing the "intended use" of passing air in the manners recited in claims 19 and 20 of the present application.

With regard to claim 22 of the present application, the Office Action asserts that European Patent Application No. 358279 A1 to Fried et al “teaches that the rinsing container has an inlet pipe (blow-out port, Fig. 1, part 9) which reintroduces air from the rinsing container that has passed through the drying container and desiccant back into the rinsing container (machine translation, page 2, II. 15-18, ‘In the drying container...’) comprising a pipe (Fig. 1, part 9) that has an outlet (inherent, see Fig. 1, part 9) with a one way valve (cap-like closure, Fig. 1, part 10, see machine translation, claims 11 and 12).” Claim 22 of the present application depends from independent method claim 21 and recites that the drying step of the method for treating crockery disposed in a washing container includes passing air from a washing container having an outlet with a pipe and the pipe includes a check valve. Thus, according to claim 22, air is passed from the washing container along an outlet with a pipe and the pipe includes a check valve. The Office Action appears to assert that the part 9 shown in European Patent Application No. 358279 A1 to Fried et al is a disclosure of the “pipe” recited in claim 22 of the present application and the part 10 shown in European Patent Application No. 358279 A1 to Fried et al is a disclosure of the “one way valve” (i.e., check valve) recited in claim 22. However, the part 9 shown in European Patent Application No. 358279 A1 to Fried et al is not a pipe along which air is passed from the washing container but is, instead, a pipe along which air is passed into the washing container. For this same reason, the part 10 shown in European Patent Application No. 358279 A1 to Fried et al is not a “one way valve” (i.e., check valve) within a pipe along which air is passed from the washing container, as recited in claim 22 of the present application. It is accordingly submitted that European Patent Application No. 358279 A1 to Fried et al thus does not disclose all of the features of the method recited in claim 22 of the present application.

The Office Action also asserts that European Patent Application No. 358279 A1 to Fried et al “teaches that the rinsing container has an inlet pipe (blow-out port, Fig. 1, part 9) which reintroduces air from the rinsing container that has passed through the drying container and desiccant back into the rinsing container (machine translation, page 2, II. 15-18, ‘In the drying container...’) comprising an inlet valve (Fig. 1, part 14, machine translation, claim 10).” Claim 23 of the present application depends from independent method claim 21 and recites that passing air from the washing container through the sorption column in the method for treating crockery

disposed in a washing container includes passing air from a washing container having, in the direction of flow, an inlet valve to the ambient air. The Office Action appears to assert that the part 9 shown in European Patent Application No. 358279 A1 to Fried et al is a disclosure of the “inlet pipe” recited in claim 23 of the present application and the part 14 shown in European Patent Application No. 358279 A1 to Fried et al is a disclosure of the “inlet valve” recited in claim 23. However, the part 9 shown in European Patent Application No. 358279 A1 to Fried et al is not a pipe along which air is passed from the washing container but is, instead, a pipe along which air is passed into the washing container. For this same reason, the part 14 shown in European Patent Application No. 358279 A1 to Fried et al is not an “inlet valve” within a pipe along which air is passed from the washing container, as recited in claim 23 of the present application. In fact, as discussed hereinabove, European Patent Application No. 358279 A1 to Fried et al does not appear to hint at, let alone disclose, the use of ambient air. It is accordingly submitted that European Patent Application No. 358279 A1 to Fried et al thus does not disclose all of the features of the method recited in claim 23 of the present application.

It is accordingly submitted that European Patent Application No. 358279 A1 to Fried et al thus does not disclose all of the features of the dishwasher recited in claims 10 and 13 - 23 of the present application. In view of the fact that European Patent Application No. 358279 A1 to Fried et al fails to teach or disclose all of the elements of claim 10 and 13 - 23 of the present application, these claims are clearly not anticipated under 35 U.S.C. §102(b) by European Patent Application No. 358279 A1 to Fried et al and the rejection of these claims should be withdrawn.

**The Rejection of Claim 16 Under 35 U.S.C. §103(a) as Unpatentable Over European Patent Application No. 358279 A1 to Fried et al in View of US Patent No. 5,343,632 to Dinh**

Claim 16 of the present application recites the feature that the dishwasher set forth in claim 10 includes the feature that the air introduced into the washing container via the inlet is cooled. The Office Action asserts that European Patent Application No. 358279 A1 to Fried et al teaches the features of the dishwasher recited in claim 10 but may not teach that the air introduced into the washing container via the inlet is cooled. However, the Office Action asserts

that US Patent No. 5,343,632 to Dinh discloses a cooler/condenser used to cool humid air in order to further remove moisture from the air before the air is recirculated. However, even conceding that US Patent No. 5,343,632 to Dinh discloses such a feature, it can readily be seen that US Patent No. 5,343,632 to Dinh fails to overcome the deficiencies of European Patent Application No. 358279 A1 to Fried et al as discussed above.

For these and other reasons, it is submitted that claim 16 of the present application is not properly rejectable as unpatentable under 35 U.S.C. §103(a) over European Patent Application No. 358279 A1 to Fried et al in view of US Patent No. 5,343,632 to Dinh and Applicants respectfully request withdrawal of this rejection.

### **CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 10 and 13 - 23 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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